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January 28, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

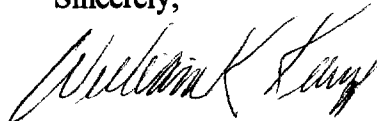
Re: PR Docket No. 92-235
Ex Parte Presentation

Dear Mr. Caton:

This is to advise that today Mark Joseph, President of the International Taxicab and Livery Association, Alfred B. LaGasse, Executive Vice President and the undersigned, met with Commissioner Susan Ness and David R. Siddall regarding re-farming. The points made during that meeting are reflected in ITLA's comments which are a matter of public record with the Commission. Enclosed is a Position Statement which was distributed at the meeting.

An original and one copy of this letter is supplied for inclusion in the Commission's docket file.

Sincerely,



William K. Keane
Counsel, International Taxicab and
Livery Association

Enclosures

cc (w/enc.): The Honorable Susan Ness
David R. Siddall

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INTERNATIONAL TAXICAB & LIVERY ASSOCIATION

POSITION STATEMENT

Introduction to ITLA

- Represents nearly half of all taxicabs operated in the U.S. (in 900 fleets)
- Represents operators of ground transportation providers for all major U.S. airports (e.g. SuperShuttle serving BWI, The Washington Flyer serving Dulles)
- ITLA coordinations are provided on a non-profit basis as a service to the industry. ITLA is grinding no "special interest" axe. It simply seeks to protect the industry's stake in interference-free channels while accomplishing spectrum decongestion (re-farming).

Industry Background

- Taxi industry transports about two billion passengers per year -- without tax support.
- One out of five persons using public transportation are taxicab passengers.
- By comparison, taxpayer-subsidized mass transit systems carry eight billion passengers at a cost of \$20 billion in tax dollars.
- Approximately 60 percent of all passengers using taxicabs are disadvantaged, i.e. low income, the elderly, the disabled.
- Virtually all taxicab systems in the U.S. are franchised by local jurisdictions and municipalities as essential public utilities.

Consolidation Should Include a Land Transportation Pool

- ITLA has proposed a four-pool plan consistent with the Commission's preference for two-four pools.
- The ITLA plan was presented as part of a Coalition filing which included several other Radio Service associations.
- The plan would accommodate the land transportation industries -- taxicabs, railroads, motor carrier and automobile emergency -- in one pool.

- The plan respects historic sharing patterns between and among Radio Services (e.g. taxicabs and motor carriers have historically been able to share frequencies in the same areas very successfully). That is, it minimizes interference while still accomplishing the benefits of re-farming.

Two-Pool Proposals Are Deficient

- Proposals which would place public safety in one pool, and all other users in another pool, are seriously deficient.
- These proposals would magnify the risk of harmful interference between and among disparate users -- especially since some proponents of this approach oppose requiring concurrence from other coordinators.
- For example, pooling Taxi and Business Radio users would mix and match paired and single channel operations. The net effect would be wasted spectrum under the best scenario, or massive interference, under the worst scenario.
- Taxi dispatchers transmit on one frequency and receive on another (in order to avoid cross-talk among drivers); business users are typically licensed for only one channel. Taxi communications have been severely degraded by Business users licensed on a single frequency of a taxi pair.
- Business users often operate with much higher power levels than taxi mobiles, producing a significant risk of adjacent channel interference 15 kHz and more removed.
- In prior decisions the Commission has acknowledged the difficulties with any attempt to have Taxi and Business Radio eligibles share frequencies.
- Interference is particularly serious given the threat to driver safety: Taxi drivers have the greatest risk of death by homicide of any occupation in the United States (including police officers). Clear communications is vital to the effectiveness of radio as a safety device for drivers.
- The two pool approach presumes that most users will be able to secure exclusivity. However, many users will not be able to reach the necessary co-channel agreements especially in metropolitan areas.
- Evening out the distribution of licensees and channels among the Radio Services can be accomplished without disrupting existing communications for hundreds of thousands of licensees.
- Higher coordination fees and serious consumer confusion.

Deficiencies in the Two-Pool Approach are Multiplied by the Lack of Any Concurrence Requirement

- Some proponents of the two pool approach oppose any requirement for prior concurrence. Instead they favor mere notice of coordinations delivered to other coordinators simultaneous with application transmittal to the FCC.
- Such an approach would increase interference to co- and adjacent channel users since an initiating coordinator would have no data as to which taxi or livery operations require greater protection (e.g. data dispatch systems).
- Such an approach guarantees extra work for the Commission -- as it is forced to deal with protests filed after staff resources have already been spent processing an application.
- Such an approach guarantees extra work for coordinators who are forced to prepare and file protests to applications already in the pipeline.
- Such an approach is contrary to analogous Commission precedent.
- These effects can be avoided by allowing a brief period (say 10 days) for other coordinators to respond to a proposed coordination (with silence being deemed consent).

Paired Frequencies

- Virtually all taxi companies operate on paired frequencies.
- It is vital to the taxi industry that sufficient frequencies remain paired at both UHF and VHF.